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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Application of) Group Art Unit; 1632
James M. Wilson et al)
Appln No. 09/242,977)
Filed: February 26, 1999)
For: METHOD FOR RECOMBINANT) January 3, 2003
ADENO-ASSOCIATED VIRUS-)
DIRECTED GENE THERAPY)

Box RCE
Commissioner for Patents
Washington, DC 20231

PRELIMINARY AMENDMENT

Sir:

This amendment accompanies a Request for Continued Examination.
Applicants request entry of the Amendment Pursuant to 37 CFR §1.116 filed on October 22, 2002. Entry of this Preliminary Amendment is also requested.

In the Claims

Kindly add new claims 36 - 38 as follows.

36. A composition comprising a recombinant adeno-associated virus (AAV) suspended in a biologically compatible carrier,

wherein said recombinant AAV comprises (a) a 5' AAV inverted terminal repeat (ITR), (b) nucleic acid sequences encoding human apolipoprotein E (ApoE) operably linked to regulatory sequences which direct its expression, and (c) a 3' AAV ITR, and

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PTO/SB/30 (10-01)
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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/242,977
Filing Date	2/26/99
First Named Inventor	James M. Wilson et al
Art Unit	1632
Examiner Name	R. Shukla
Attorney Docket Number	GNV19BUSA

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

a. Previously submitted

- Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on October 22, 2002.
(Any unentered amendment(s) referred to above will be entered.)
- Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- Other _____

b. Enclosed

- Amendment/Reply
- Affidavit(s)/Declaration(s)
- Information Disclosure Statement (IDS)
- Other _____

2. Miscellaneous

a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-3040

- RCE fee required under 37 CFR 1.17(e)
- Extension of time fee (37 CFR 1.136 and 1.17)
- Other _____

b. Check in the amount of \$ 750.00 enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Cathy A. Kodroff	Registration No. (Attorney/Agent)	33,980
Signature	<i>Cathy A. Kodroff</i>	Date	January 3, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)			
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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